

**IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA**

PROPOSED ORDER

**DESIGNATING THE LOWER WHITE RIVER FLOW SYSTEM HYDROGRAPHIC
BASIN (13-233) WITHIN CLARK AND LINCOLN COUNTIES, NEVADA.**

I. BACKGROUND AND AUTHORITY

WHEREAS, the State Engineer is empowered to make such reasonable rules and regulations as may be necessary for the proper and orderly execution of the powers conferred by law.¹

WHEREAS, Nevada Revised Statute (NRS) § 533.024(1)(c) “require[s] the State Engineer ‘to consider the best available science in rendering decisions concerning the availability of surface and underground sources of water’” in Nevada.²

WHEREAS, NRS 534.030(2)(b) provides that if a basin is found, after due investigation and a public hearing, to be in need of administration pursuant to the provisions of NRS Chapter 534 relating to designated areas, the State Engineer may enter an official order designating the area by basin, describing the boundaries by legal subdivision as nearly as possible, and then proceed with the administration of the basin in accordance with NRS Chapter 534.

WHEREAS, the State Engineer has, pursuant to prior designation orders, administered in accordance with NRS Chapter 534 the Coyote Spring Valley Hydrographic Basin (Coyote Spring Valley), Basin 210, since August 21, 1985; the Black Mountains Area Hydrographic Basin (Black Mountains Area), Basin 215, since November 22, 1989; the Garnet Valley Hydrographic Basin (Garnet Valley), Basin 216, since April 24, 1990; the Hidden Valley Hydrographic Basin (Hidden Valley), Basin 217, since April 24, 1990; the California Wash Hydrographic Basin (California Wash), Basin 218, since April 24, 1990; and the Muddy River Springs Area Hydrographic Basin (Muddy River Springs Area), Basin 219, since July 14, 1971.³

¹ NRS 532.120(1).

² *Sullivan v. Lincoln Cty. Water Dist.*, 140 Nev. 28, 38, 542 P.3d 411, 421 (2024).

³ See, Order 905, Hearing on Interim Order 1303, official records of the Division of Water Resources. See NSE Ex. 8, Order 1018, Hearing on Interim Order 1303, official records of the Division of Water Resources. See, Order 1025, Hearing on Interim Order 1303, official records of the Division of Water Resources. See, Order 1024, Hearing on Interim Order 1303, official records of the Division of Water Resources. See, Order 1026, Hearing on Interim Order 1303, official records of the Division of Water Resources. See, Order 1023, Hearing on Interim Order

WHEREAS, the State Engineer issued Order 1309 on June 15, 2020, thereby requiring joint management of the Lower White River Flow System (“LWRFS”) and ordering that: 1) the Lower White River Flow System consisting of the Kane Springs Valley, Coyote Spring Valley, Muddy River Springs Area, California Wash, Hidden Valley, Garnet Valley, and the northwest portion of the Black Mountains Area as described in that Order, was thereby delineated as a single hydrographic basin. The Kane Springs Valley, Coyote Spring Valley, Muddy River Springs Area, California Wash, Hidden Valley, Garnet Valley and the northwest portion of the Black Mountains Area were thereby established as sub-basins within the Lower White River Flow System Hydrographic Basin; 2) the maximum quantity of groundwater that may be pumped from the Lower White River Flow System Hydrographic Basin on an average annual basis without causing further declines in Warm Springs area spring flow and flow in the Muddy River cannot exceed 8,000 acre-feet annually (afa) and may be less; 3) the maximum quantity of water that may be pumped from the Lower White River Flow System Hydrographic Basin may be reduced if it is determined that pumping will adversely impact the endangered Moapa dace; 4) all applications for the movement of existing groundwater rights among sub-basins of the Lower White River Flow System Hydrographic Basin will be processed in accordance with NRS 533.370; 5) the temporary moratorium on the submission of final subdivision or other submissions concerning development and construction submitted to the State Engineer for review established under Interim Order 1303 was thereby terminated; and, 6) all other matters set forth in Interim Order 1303 that were not specifically addressed therein were thereby rescinded.

WHEREAS, the Nevada Supreme Court ultimately upheld the State Engineer’s authority to make these conclusions and held that the State Engineer provided adequate due process in doing so. *Sullivan v. Lincoln Cty. Water Dist.*, 140 Nev. 28, 542 P.3d 411 (2024).

WHEREAS, the Eighth Judicial District Court of the State of Nevada ultimately found that substantial evidence supported the key findings in Order 1309, including the State Engineer’s delineation of the boundaries of Lower White River Flow System and the 8,000 afa or less sustainable maximum for groundwater pumping. *Las Vegas Valley Water District, et al., v. Sullivan, et al.*, Case No. A-20-816761-C (consolidated with Case Nos. A-20-817765-P, A-20-818015-P, A-20-817977-P, A-20-818069-P, A-20-817840-P, A-20-817876-P, A-21-833572-J)

(Amended Findings of Fact, Conclusions of Law, and Order Affirming in Part and Reversing in Part State Engineer Order 1309, May 23, 2025).

WHEREAS, the Nevada Supreme Court held that the State Engineer “has statutory authority to combine multiple basins into one” based on a shared source of water. *Sullivan*, 140 Nev. at 45, 542 P.3d at 426.

WHEREAS, the Nevada Supreme Court held that “[i]f the best available science indicates that groundwater and surface water in the [Lower White River Flow System] are interrelated and that appropriations from one reduces flow of the other, then the State Engineer should manage these rights together based on a shared source of supply. Since the State Engineer must have the ability to conjunctively manage and jointly administer water across multiple basins in order to prevent the impairment of senior vested rights under NRS 533.085, we hold that he has implied statutory authority to do so.” *Sullivan*, 140 Nev. at 38, 542 P.3d at 421.

WHEREAS, the Nevada Supreme Court likewise recognized that, at the time the State Engineer issued Order 1309, the entirety of the Lower White River Flow System had not been previously designated for administration pursuant to NRS 534.030. *Sullivan*, 140 Nev. at 42 n.10, 542 P.3d at 424 n.10.

WHEREAS, the State Engineer has determined that the need for joint management of the Lower White River Flow System warrants the designation of the entire Lower White River Flow System Basin pursuant to NRS 534.030 so that all provisions of NRS Chapter 534 relating to designated areas can be used in future management decisions of the Basin.

II. DESIGNATING AND DESCRIBING

WHEREAS, in Order 1309, the State Engineer estimated that the total duty of all permits and certificates issued in the Lower White River Flow System is more than 38,000 afa,⁴ far exceeding the 8,000 afa or less sustainable pumping maximum.

⁴ Nevada Division of Water Resources’ Water Rights Database, Hydrographic Basin Summary, General Summary, LWRFS, last accessed October 29, 2025, official records in the Division of Water Resources, available on-line at: <https://tools.water.nv.gov/UndergroundActive.aspx>

WHEREAS, since 2016, pumping in the Lower White River Flow System has averaged 8,722 afa.⁵ Since 2020, when the State Engineer issued Order 1309, pumping in the Lower White River Flow System has averaged 8,653 afa.⁶ Under either calculation, average annual pumping in the Lower White River Flow System exceeds the 8,000 afa or less sustainable pumping maximum.

WHEREAS, pursuant to NRS 534.030, the State Engineer finds that conditions warrant the designation of the Lower White River Flow System Hydrographic Basin (13-233), located within Clark and Lincoln Counties, Nevada, based on data and information available to the State Engineer, under the provisions of NRS Chapter 534.

NOW THEREFORE, IT IS HEREBY ORDERED, pursuant to NRS 534.030, that the following described areas of land are designated as in need of administration:

T.6S., R.65E., Mount Diablo Base and Meridian (M.D.B.&M)

All of Sections 23, 26, 34, 35 and 36 and those portions of Sections 13, 14, 15, 22, 24, 25, 27, 28 and 33 within the Lower White River Flow System.

T.6S., R.66E., M.D.B.&M.

Those Portions of Sections 30 and 31 within the Lower White River Flow System.

T.7S., R.64E., M.D.B.&M.

Those portions of Sections 24, 25 and 36 within the Lower White River Flow System.

T.7S., R.65E., M.D.B.&M.

All of Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 and those portions of Sections 4, 8, 9, 17, 18 and 19 within the Lower White River Flow System.

T.7S., R.66E., M.D.B.&M.

All of Sections 7, 8, 16, 17, 18, 19, 20, 21, 27, 28, 29, 30, 31, 32, 33, 34 and 35 and those portions of Sections 4, 5, 6, 9, 10, 15, 22, 23, 25, 26 and 36 within the Lower White River Flow System.

T.8S., R.62E., M.D.B.&M.

Those portions of Sections 35 and 36 within the Lower White River Flow System.

T.8S., R.63E., M.D.B.&M.

All of Sections 24, 25, 26, 34, 35, 36 and those portions of Sections 11, 12, 13, 14, 22, 23, 27, 28 and 33 within the Lower White River Flow System.

⁵ Nevada Division of Water Resources, LWRFS Groundwater Pumpage Inventory, for Calendar Years 2016-2023, available on-line at: <https://tools.water.nv.gov/PumpageInventoryFiles.aspx>

⁶ *Id.* Average pumpage calculated between 2020 and 2023.

T.8S., R.64E., M.D.B.&M.

All of Sections 13, 19, 20, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 and those portions of Sections 1, 7, 11, 12, 14, 15, 16, 17, 18, 21 and 22 within the Lower White River Flow System.

T.8S., R.65E., M.D.B.&M.

All Sections.

T.8S., R.66E., M.D.B.&M.

All of Sections 3, 4, 5, 6, 7, 8, 9, 17, 18, 19, 20 and 30 and those portions of Sections 1, 2, 10, 11, 15, 16, 21, 28, 29, 31 and 32 within the Lower White River Flow System.

T.9S., R.61E., M.D.B.&M.

All of Sections 35 and 36 and those portions of Sections 24, 25, 26, 27, 34 within the Lower White River Flow System.

T.9S., R.62E., M.D.B.&M.

All of Sections 11, 12, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 35 and 36 and those portions of Sections 1, 2, 3, 9, 10, 16, 17, 19, 20, 29 and 30 within the Lower White River Flow System.

T.9S., R.63E., M.D.B.&M.

All of Sections 1, 2, 3, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 and those portions of Sections 4, 5, 6 and 9 within the Lower White River Flow System.

T.9S., R.64E., M.D.B.&M.

All Sections.

T.9S., R.65E., M.D.B.&M.

All of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 28, 29, 30, 31, 32 and 33 and those portions of Sections 13, 23, 24, 26, 27 and 34 within the Lower White River Flow System.

T.9S., R.66E., M.D.B.&M.

All of Sections 6 and those portions of Sections 5, 7, 8 and 18 within the Lower White River Flow System.

T.10S., R.61E., M.D.B.&M.

All of Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35 and 36 and those portions of Sections 3, 10, 15, 22, 27 and 34 within the Lower White River Flow System.

T.10S., R.62E., M.D.B.&M.

All Sections.

T.10S., R.63E., M.D.B.&M.

All Sections.

T.10S., R.64E., M.D.B.&M

All of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 32, 33 and 34 and those portions of Sections 25, 26 and 35 within the Lower White River Flow System.

T.10S., R.65E., M.D.B.&M.

All of Sections 5, 6, 7 and 18 and those portions of Sections 3, 4, 8, 9, 17, 19, 20 and 30 within the Lower White River Flow System.

T.11S., R.61E., M.D.B.&M.

All of Sections 1, 2, 11, 12, 13, 14, 24, 25 and 36 and those portions of Sections 3, 10, 15, 22, 23, 26, 27 and 35 within the Lower White River Flow System.

T.11S., R.62E., M.D.B.&M.

All Sections.

T.11S., R.63E., M.D.B.&M.

All Sections.

T.11S., R.64E., M.D.B.&M.

All of Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32 and 33 and those portions of Sections 2, 3, 10, 15, 22, 27 and 34 within the Lower White River Flow System.

T.12S., R.61E., M.D.B.&M.

All of Sections 1, 12, 13, 25 and 36 and those portions of Sections 2, 11, 14, 23, 24, 26 and 35 within the Lower White River Flow System.

T.12S., R.62E., M.D.B.&M.

All Sections.

T.12S., R.63E., M.D.B.&M.

All Sections.

T.12S., R.64E., M.D.B.&M.

All of Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33 and 34 and those portions of Sections 2, 3, 10, 15, 22, 26, 27 and 35 within the Lower White River Flow System.

T.12.5S., R.61E., M.D.B.&M.

Those portions of Sections 35 and 36 within the Lower White River Flow System.

T.12.5S., R.62E., M.D.B.&M.

All Sections

T.13S., R.61E., M.D.B.&M.

All of Sections 12, 13, 24, 25, 35 and 36 and those portions of Sections 1, 2, 11, 14, 23, 26, 27 and 34 within the Lower White River Flow System.

T.13S., R.62E., M.D.B.&M.

All Sections.

T.13S., R.63E., M.D.B.&M.

All Sections.

T.13S., R.64E., M.D.B.&M.

All of Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 and those portions of Sections 1, 2, 12 within the Lower White River Flow System.

T.13S., R.65E., M.D.B.&M.

All of Sections 17, 18, 19, 20, 21, 27, 28, 29, 30, 31, 32, 33 and 34 and those portions of Sections 6, 7, 8, 9, 15, 16, 22, 23, 26, 35, 36 within the Lower White River Flow System.

T.13.5S., R.63E., M.D.B.&M.

All Sections.

T.13.5S., R.64E., M.D.B.&M.

All Sections.

T.14S., R.61E., M.D.B.&M.

All of Sections 1, 2, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 28, 29, 33, 34, 35 and 36 and those portions of Sections 3, 9, 10, 16, 19, 20, 21, 30, 31 and 32 within the Lower White River Flow System.

T.14S., R.62E., M.D.B.&M.

All Sections.

T.14S., R.63E., M.D.B.&M.

All Sections.

T.14S., R.64E., M.D.B.&M.

All Sections.

T.14S., R.65E., M.D.B.&M.

All of Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 and those portions of Sections 1, 2, 12, 13 and 24 within the Lower White River Flow System.

T.14S., R.66E., M.D.B.&M.

All of Sections 30, 31 and 32 and those portions of Sections 19, 20, 28, 29, 33 and 34 within the Lower White River Flow System.

T.15S., R.61E., M.D.B.&M.

All of Sections 1, 2, 3, 10, 11, 12 and 13 and those portions of Sections 4, 5, 9, 14, 15, 16, 23 and 24 within the Lower White River Flow System.

T.15S., R.62E., M.D.B.&M.

All of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35 and 36 and those portions of Sections 19, 20, 29, 30, 32 within the Lower White River Flow System.

T.15S., R.63E., M.D.B.&M.

All Sections.

T.15S., R.64E., M.D.B.&M.

All Sections.

T.15S., R.65E., M.D.B.&M.

All Sections.

T.15S., R.66E., M.D.B.&M.

All of Sections 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 28, 29, 30, 31 and 32 and those portions of Sections 2, 3, 11, 14, 23, 26, 27, 33, 34 within the Lower White River Flow System.

T.16S., R.61E., M.D.B.&M.

Those portions of Sections 25 and 36 within the Lower White River Flow System.

T.16S., R.62E., M.D.B.&M.

All of Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35 and 36 and those portions of Sections 5, 7, 8, 18, 19 and 30 within the Lower White River Flow System.

T.16S., R.63E., M.D.B.&M.

All Sections.

T.16S., R.64E., M.D.B.&M.

All Sections.

T.16S., R.65E., M.D.B.&M.

All Sections.

T.16S., R.66E., M.D.B.&M.

All of Sections 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 29, 30, 31 and 32 and those portions of Sections 3, 4, 10, 11, 14, 15, 22, 23, 27, 28 and 33 within the Lower White River Flow System.

T.17S., R.61E., M.D.B.&M.

Those portions of Sections 24 and 25 within the Lower White River Flow System.

T.17S., R.62E., M.D.B.&M.

All of Sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35 and 36 and those portions of Sections 6, 7, 18, 19, 29, 30, 32 and 33 within the Lower White River Flow System.

T.17S., R.63E., M.D.B.&M.

All Sections.

T.17S., R.64E., M.D.B.&M.

All Sections.

T.17S., R.65E., M.D.B.&M.

All Sections.

T.17S., R.66E., M.D.B.&M.

All of Sections 7, 8, 17, 18, 19, 20, 21, 27, 28, 29, 30, 31, 32, 33 and 34 and those portions of Sections 9, 10, 15, 16, 22, 23, 26 and 35 within the Lower White River Flow System.

T.18S., R.62E., M.D.B.&M.

All of Sections 1, 2, 3, 10, 11, 12, 13, 14, 15 and 24 and those portions of Sections 4, 5, 8, 9, 16, 21, 22, 23, 25, 26 and 36 within the Lower White River Flow System.

T.18S., R.63E., M.D.B.&M.

All of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 34, 35 and 36 and those portions of Sections 31, 32 and 33 within the Lower White River Flow System.

T.18S., R.64E., M.D.B.&M.

All Sections.

T.18S., R.65E., M.D.B.&M.

All of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 27, 28, 29, 30, 31, 32, 33, and 34 and those portions of Sections 24, 25, 26 and 35 within the Lower White River Flow System.

T.18S., R.66E., M.D.B.&M.

All of Sections 3, 4, 5 and 6 and those portions of Sections 2, 7, 8, 9, 10, 11, 18 and 19 within the Lower White River Flow System.

T.19S., R.63E., M.D.B.&M.

All of Sections 1, 12, 13, 24, 25, 26, 35 and 36 and those portions of Sections 2, 3, 4, 11, 14, 22, 23, 27, 33 and 34 within the Lower White River Flow System.

T.19S., R.64E., M.D.B.&M.

All of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 29, 30 and 31 and those portions of Sections 13, 14 and 23 within the Lower White River Flow System.

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T.19S., R.65E., M.D.B.&M.

All of Sections 3, 4, 5 and 6 and those portions of Sections 2, 7, 8, 9, 10, 11, 12, 14, 15 and 18 within the Lower White River Flow System.

DRAFT

ADAM SULLIVAN, P.E.

State Engineer

Dated at Carson City, Nevada this

_____ day of _____, _____.

PROPOSED

